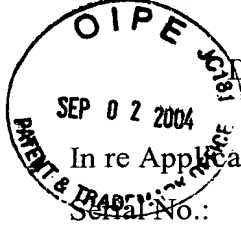


Attorney's Docket No.:

073813.0110

Patent Application

10/771,272



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jimmy B. Eubank

Serial No.:

10/771,272

Date Filed:

February 3, 2004

Title:

Oral Appliance for Maintaining Stability of One or More  
Aspects of a User's Masticatory System

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

**Information Disclosure Statement**

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. Copies of these references are enclosed for the convenience of the Examiner. Applicant also respectfully provides the following information. No representation is made that a search has been made, that these references and information are material to the patentability of the present application, or that these references and information qualify as prior art.

Attached as document Q is a copy of a page from a 1996 catalog from Great Lakes Orthodontics, Ltd. ("Great Lakes") illustrating and referring to a "Dawson Deprogrammer Splint" device ("Dawson Device"). Attached as document R is a close-up photo more clearly illustrating the Dawson Device. After diligent effort, Applicant has been unable to obtain any additional documentation regarding the Dawson Device. This effort has included soliciting information related to the Dawson Device from Great Lakes. Great Lakes represented to Applicant that it would attempt to locate additional documentation regarding the Dawson Device in its records and in those of Dr. Peter Dawson, apparently the developer of the Dawson Device. Great Lakes subsequently represented to Applicant that it was unable to locate additional documentation regarding the Dawson Device, but that it was able to determine that the Dawson Device was included in its catalog for only two years and that Dr. Dawson tended not to refer to the Dawson Device in his lectures.

Applicant is not aware of the structure of the Dawson Device beyond what little is illustrated in documents Q and R.

Applicant is a Board-certified practicing dentist with thirty years of experience in the field. Applicant's understanding of the meaning of the term "deprogrammer" to those of ordinary skill in the art is a device typically intended for use on an emergency or other basis to bring about relaxation of a user's masticatory structures rather than for maintaining long-term stability of one or more aspects of a user's masticatory system over an extended therapeutic period spanning numerous uses of the device. For example, such a device might be used on a one-time basis in an office setting to facilitate construction of some other type of appliance for long-term use, such as a bruxing guard. Applicant's understanding is that the Dawson Device was intended solely for such temporary use and not for maintaining long-term stability of one or more aspects of a user's masticatory system over an extended therapeutic period spanning numerous uses of the device.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. § 1.97(b)(3).

Applicant believes no fees are due. However, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.



Christopher W. Kennerly  
Reg. No. 40,675  
Attorneys for Applicant

Correspondence Address:

Customer Number:

**05073**

Date: 9/2/04

PTO-1449  <b>Information Disclosure Citation in an Application</b>		Application No. <b>10/771,272</b> Docket Number <b>073813.0110</b>		Applicant(s) <b>Jimmy B. Eubank</b> Group Art Unit Filing Date <b>February 3, 2004</b>			
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U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A						
B						
C						
D						
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FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
N							
O							
P							

NON-PATENT DOCUMENTS		
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
Q	Catalog, "Dawson Deprogrammer Splint," device, Great Lakes Orthodontics, Ltd. catalog page, 1 page.	1996
R	Catalog, close-up photo of "Dawson Deprogrammer Splint," device, Great Lakes Orthodontics, Ltd. catalog page, 1 page.	1996
S		
T		
U		
V		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.